

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,

Plaintiff,

v.

MULE CREEK STATE PRISON, et al.,

Defendants.

No. 2:21-cv-02104 DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on November 15, 2021. The court's own records reveal that plaintiff filed a complaint containing identical allegations in another case initiated in this court previously, on October 29, 2021, No. 2:21-cv-2002 JAM DMC.<sup>1</sup> The complaints are identical. The only difference is the placement of the exhibits in the pleading. (See Id.) Due to the duplicative nature of the present action, the court will recommend it be dismissed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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<sup>1</sup> A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ.  
2 P. 41(b).

3 These findings and recommendations are submitted to the District Judge assigned to this  
4 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served  
5 with these findings and recommendations, plaintiff may file written objections with the court.  
6 The document should be captioned “Objections to Magistrate Judge’s Findings and  
7 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
8 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.  
9 1991).

10 Dated: February 11, 2022

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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE